

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SPHERE 3D CORP.,

23 Civ. 2954 (PKC)

Plaintiff,

v.

ORDER  
INITIAL PRETRIAL CONFERENCE

GRYPHON DIGITAL MINING, INC.,

Defendant.

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CASTEL, United States District Judge.

**COUNSEL FOR PLAINTIFF (OR THE REMOVING DEFENDANT)  
SHALL IMMEDIATELY SEND A COPY OF THIS ORDER TO ALL PARTIES.**

1. Counsel for all parties shall appear for an Initial Pretrial Conference, held pursuant to Rule 16 of the Federal Rules of Civil Procedure, June 2, 2023 at 10:30 a.m. Principal trial counsel shall appear at this and all subsequent conferences.

2. The parties shall submit a joint letter five business days prior to the Conference addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. The parties shall set forth the date and time of the Conference in the opening paragraph of the joint letter.

3. The parties are directed to confer on a Case Management Plan (the “Plan”) in accordance with Rule 26(f) of the Federal Rules of Civil Procedure. The outline of a Plan may be found on the Court’s website: <https://nysd.uscourts.gov/hon-p-kevin-castel>. The jointly proposed Plan shall be submitted in writing to the Deputy Clerk immediately prior to the Conference.

4. The parties shall consult the undersigned’s Individual Practices available on the Court’s website. Requests for adjournment of the Conference will be considered only if made in writing and in accordance with the undersigned’s Individual Practices.

5. Prior to the Conference, counsel for all parties shall file a Notice of Appearance in accordance with the Rules and Instructions for Electronic Case Filing.

6. For initial pretrial conferences, plaintiff(s)' counsel shall, no later than 5 business days before the conference, email a copy of the agreed upon (or disputed) Civil Case Management Plan & Scheduling Order to: [castelnysdchambers@nysd.uscourts.gov](mailto:castelnysdchambers@nysd.uscourts.gov).

The call-in information for all teleconferences is:

Dial-in: (888) 363-4749

Access Code: 3667981

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 11, 2023